



American Association of  
Motor Vehicle Administrators

administration  
safety quality  
oversight  
**REGULATORY**  
ENFORCEMENT



# CDL Driver History Record Best Practices Guide



March 2023

DRIVER STANDING COMMITTEE  
CDL DRIVER HISTORY RECORD WORKING GROUP

# Contents

Executive Summary . . . . .	3
<b>Section 1 Foundational Concepts . . . . .</b>	<b>5</b>
Commercial License Holders . . . . .	6
The Prohibition Against Masking . . . . .	7
CDLIS . . . . .	7
ACD Codes . . . . .	7
<b>Section 2 Reporting Convictions . . . . .</b>	<b>8</b>
<b>Section 3 Recording Convictions . . . . .</b>	<b>11</b>
Introduction . . . . .	11
Procedures . . . . .	11
ACD Codes . . . . .	12
CDLIS . . . . .	12
Other Special Issues and Considerations . . . . .	17
Timeliness . . . . .	18
<b>Section 4 Accessing and Interpreting Records . . . . .</b>	<b>19</b>
<b>Section 5 Training and Outreach . . . . .</b>	<b>21</b>
<b>Section 6 FMCSA Oversight . . . . .</b>	<b>25</b>
Terms: Acronyms, Abbreviations, and Glossary . . . . .	27
CDL Driver History Working Group Roster . . . . .	29

This material is based upon work supported by the Federal Motor Carrier Safety Administration under Grant Agreement No. FM-CDL-0358-19-01-00. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the Federal Motor Carrier Safety Administration.

2023 © Copyright All Rights Reserved  
American Association of Motor Vehicle Administrators

Cover photos credit: iStockphoto.com

# Executive Summary

This document was prepared by the American Association of Motor Vehicle Administrators (AAMVA), which convened the Commercial Driver License Driver History Record Working Group, a group of professionals from a variety of disciplines, including AAMVA jurisdictional members. Group members, from the courts, law enforcement, safety stakeholders, and state driver license authorities (SDLAs), came together to offer different perspectives on the same issue, improving commercial vehicle operation safety through improved commercial driver license (CDL) oversight. The group approached the project from a practitioner rather than industry perspective while acknowledging the coexisting federally mandated regulatory responsibilities for operators and drivers as well as the key role industry plays in safety. Each member of the working group represents a stakeholder who plays a key role in violation enforcement, prosecution, adjudication, reporting, or sanction implementation. This project provides a unique opportunity for these diverse stakeholders to come together to create a holistic approach for improving CDL administration. The production and publication of this document were supported by funding from the Federal Motor Carrier Safety Administration (FMCSA).

The group produced this best practices document to serve as a guide to assist jurisdictions in maintaining updated and complete CDL holder Driver History Records (DHRs) as well as in knowing how to access and interpret these records. The Working Group determined, for this initial effort, that the best way to improve overall CDL DHR quality was to begin with a basic analysis and explanation of how CDL violations begin and travel through the process, ultimately reflecting on a CDL DHR. The intent

was to improve overall awareness of the importance of promptly and accurately processing CDL-related violations. Improving accuracy and timeliness will ensure better stakeholder access to key information about CDL drivers' past driving behavior.

This document is intended to provide recommendations that jurisdictions may choose to implement in an effort to support the overall accuracy and timeliness of CDL-related conviction reporting, both through internal operations and cooperation with external stakeholders, including law enforcement and the courts. Because this content is provided to meet the needs of different stakeholders, some information is repeated in more than one section but with a different context. The guidelines also address access to CDL DHRs by these stakeholders, who often rely on the information contained in the records. This document is intended to support the efforts of our jurisdiction members in identifying and sanctioning offenders in accordance with FMCSA regulations and jurisdictional laws to help keep dangerous commercial drivers off the roads.

Among the many best practices outlined in the document, there are key recommendations for law enforcement, judicial partners, and licensing agencies. For example, law enforcement officers should always note and record the CDL status and vehicle type on citations. Judges and prosecutors should expand their awareness and understanding of CDL-related violations mandates, including the need of the court to report convictions timely to the jurisdiction's SDLA. It is also recommended all stakeholders should hold regular and joint trainings to improve CDL violation processing understanding and awareness. Perhaps most important, this document provides a framework

for the lead Motor Carrier Safety Assistance Program (MCSAP) agency and SDLA to meet regularly and discuss challenges and solutions.

A core component in CDL DHR accuracy and completeness is the ability of each stakeholder to understand the CDL violation, adjudication, reporting, recording, and sanctioning process as a whole. Each stakeholder is vital to the success of this process and to the ultimate goal of keeping unsafe CDL holders off the road and from causing serious crashes that endanger the public.

guidance and information for professionals engaged in the various steps displayed here.

First, readers will learn how roadside enforcement begins the cycle. The role of roadside officers is explained with special emphasis on which information must be included on citations and other charging documents. In addition, the consequences of failing to note vital data, such as CDL status, are provided. The ways law enforcement personnel use and rely on driving records from SDLAs and other sources, such as the Commercial Driver License Information System (CDLIS), are covered as well.

The path a CDL violation travels through the justice system is also discussed. Readers will learn the roles of prosecutors and judges in assuring CDL DHR accuracy. This best practices document lays out how citations move through the courts and how resulting convictions travel to the SDLA. This document brings readers through the process journey of convictions, from the jurisdiction where the conviction occurs through the relevant SDLAs and ultimately to CDLIS and the DHR. Time is also spent explaining how different stakeholders access and use DHRs from multiple sources. Finally, this document explains how stakeholders can work together through networking, outreach, and training to optimize the accuracy and timeliness of CDL DHRs. A review of this concise resource will provide all stakeholders involved in the issuance of traffic citations, processing and adjudication of those violations, transmittal of resulting convictions, and management of DHRs, including the application of license sanctions, with a useful overview and practical understanding of this multilayered process.

### Lifecycle of a Citation, Conviction, and Sanction for a CDL Holder



The preceding graphic demonstrates the interdependence and critical importance of each step of the process. This best practice document provides

## Section 1

# Foundational Concepts

This section provides important definitions and explores key concepts related to how CDL driver records are kept, providing a foundation for the following sections.

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 established minimum requirements that must be met when a state issues a CDL. Before the implementation of the CDL in 1992, licensing requirements for driving larger vehicles and buses varied from state to state. A person could have multiple CDLs and many driving license history records. Drivers may have had a CDL suspended in one state for driving under the influence (DUI) convictions yet held a valid CDL from another jurisdiction. The lack of a single license requirement made it difficult to track violations accurately and remove dangerous drivers from the road. This resulted in a large number of preventable traffic deaths and crashes. The CMVSA was intended to “enhance the safety of CMV operations on our nation’s highways.”<sup>1</sup> Since 1992, when the Act became law, all drivers have been required to have a CDL to drive a commercial motor vehicle.

In the United States, the FMCSA, a part of the U.S. Department of Transportation (DOT), is charged with a mission of reducing commercial motor vehicle (CMV) crash related injuries and deaths. The FMCSA promulgates and seeks to enforce the Federal Motor Carrier Safety Regulations (FMCSRs), which can be found in Title 49 of the Code of Federal Regulations (CFR).

Each state is responsible for the issuance and oversight of drivers, including those with commercial driving

privileges, domiciled within its borders. States connect to the CDLIS and the [National Driver Register \(NDR\)](#)<sup>2</sup> so they can exchange information about CDL or Commercial Learner Permit (CLP) privilege holding drivers, their traffic convictions, and their disqualifications or other licensing actions. States use both the CDLIS and the NDR to check CDL and CLP drivers’ records. States also use CDLIS to make certain that applicants have not already been issued CDL in another state or are disqualified from operating commercial motor vehicles.

States may also use [Nlets](#) (formerly the National Law Enforcement Telecommunication System), a message-switching network linking local, state, and federal agencies together, to exchange criminal justice and public safety-related information interstate. Nlets is operated and controlled by the states. Not only do states participate in Nlets, but other federal agency systems such as the Federal Bureau of Investigation’s National Crime Information Center (NCIC), United States Treasury’s Treasury Enforcement Communications System, Postal Inspection Service, Naval Investigation Service, Interpol, Air Force Office of Special Investigations (OSI), U.S. Secret Service, Department of State, and Immigration Service Law Enforcement Support Center, also use Nlets. In addition, in 1990, an interface with the Royal Canadian Mounted Police was established. The National Insurance Crime Bureau also provides information to Nlets. More information is available on the [Nlets website](#).

All U.S. states have adopted CDL-relevant FMCSRs promulgated by FMCSA either by reference or

1 FMCSA. <https://www.fmcsa.dot.gov/regulations/federal-register-documents/01-10583>

2 The NDR maintains the Problem Driver Pointer System (PDPS), a database containing data related to driver privilege actions and serious traffic-related offenses.

through specific language. These primarily lie within Title 49 of the CFR. Although the FMCSRs establish minimum standards and sections, there may be some variation in how licensing is handled by states. For the purposes of this document and because of universal applicability of FMCSR minimum regulatory requirements, the following discussion will relate to FMCSRs unless specifically stated otherwise.

## Commercial License Holders

In general, under 49 CFR §391.11, a valid commercial driving privilege, or CDL, is required when operating a CMV. A CMV is “a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle” meets certain characteristics established in 49 CFR §383.5. The class of CMV depends on factors such as its gross (combination) weight rating (inclusive of a towed unit), how many passengers it may have been designed to carry, or whether it is hauling hazardous materials (of a type or quantity requiring a warning placard). *Commerce* means either the vehicle or driver is for hire or engaged in commercial activity. Vehicles meeting the federal definition of CMV should have DOT numbers on the door.

Drivers may hold class A, B, or C commercial driving privileges. Federal regulations define these license types. SDLAs can issue either a CDL or a CLP. A CDL or CLP may be required to operate a CMV, which is defined in 49 CFR 383.5 as follows:

- Any combination of vehicles that has a gross combination weight rating (GCWR) of 26,0001 lb (11,794 kg), including a towed unit with a GVWR of 10,001 lb or more
- Any single vehicle that has a GVWR of 26,001, towing a unit of less than 10,001 lb
- Any single vehicle or combination of vehicles that does not meet the definitions of class A or B but is designed to transport 16 or more passengers (including the driver) or

- Is designated to carry hazardous materials and is placarded to carry hazardous materials as defined by 49 U.S.C. 5103 subpart F, 49 CFR part 172, and 42 CFR part 73.

Specific statutory language may apply if a CMV is involved, a CDL holder is involved, or both. (Note that a CLP may be treated like a CDL in terms of requiring mandatory sanctions if a holder commits violations.) Regardless of license status, depending on the CMV being operated, a driver can be cited as if that driver held a CDL (49 CFR §383.51 Tables 1–4 describe major and serious offenses, railroad highway grade crossing offenses, and out-of-service offenses) regardless of actual licensing status. This means a driver can be cited and sanctioned as if holding a CDL privilege based not on actual license type but based on vehicle and operation. Although some vehicles are more easily recognized as CMVs, such as tractor trailers or passenger buses, other less readily recognizable vehicles may also be considered CMVs and require valid CDLs for lawful operation. CMVs may include any vehicle used in commerce that has a GVWR of 26,001 or more or has the capacity to carry 16 or more passengers (including the driver) or is placarded for hazardous material or toxins as defined in Title 49 of the CFR.

As will be discussed further within this document, FMCSR violations may apply to CDL holders operating noncommercial vehicles (personal vehicles). The CDL holder is subject to disqualification sanctions, even if operating a personal vehicle, if convicted of these violations.

It is important to keep in mind that certain mandatory sanctions apply only if the driver was operating a CMV at the time of the violation. There are a handful of major violations as defined in Table 1 of 49 CFR §383.51 which apply only if a CMV was being operated. On the other hand, federally mandated sanctions for serious violations as detailed in Table 2 of 49 CFR §383.51 (c) apply only to drivers operating a CMV at the time of the offense. Similarly, Table

3 (Railroad-Highway Grade Crossing Offenses) and Table 4 (Violating Out-of-Service Orders) detail offenses carrying mandated sanctions for operators of CMVs convicted of certain offenses. In addition, a combination of convictions for offenses (regardless of vehicle type) in Table 2, committed within a 3-year period, that affect the underlying driver license may carry minimum mandatory sanctions, including withdrawal of the CDL or CLP privilege.

## The Prohibition Against Masking

Also discussed later in this document are the important concept of masking and the need for states to adopt an anti-masking stance. A federal regulation adopted, through specific statutory language or by reference, by every state (49 CFR 384.226) encourages courts and licensing authorities to create the most accurate driver's history (for in-state and out-of-state CDLs). This regulation is intended to ensure appropriate enforcement action is taken against unsafe CDL holders. Although differences exist from state to state, the basic "anti-masking" language prevents states from deferring imposition of judgment, allowing diversion programs, and otherwise taking action to prevent a conviction for violating a traffic control law from appearing on a CDL holder's driving record. The anti-masking provisions generally apply whether the CDL holder was operating a CMV or a non-CMV at the time of the offense.

## CDLIS

The CMVSA of 1986 also established the CDLIS. Understanding the basic function and purpose of CDLIS is key and central to much of the discussion contained within these guidelines. CDLIS is a computer system administered by AAMVA that enables SDLAs to ensure that each commercial driver has only one driver's license and one complete driver record. Mandated by Congress for all 51 U.S. jurisdictions, CDLIS allows authorized users to access

commercial driver information—license and history—to regulate commercial drivers in the U.S. SDLAs use CDLIS to complete various procedures, including

- transmitting out-of-state convictions and withdrawals,
- transferring the driver record when a commercial driver's license holder moves to another state, and
- responding to requests for driver status and history.

## ACD Codes

Readers will also find the term *ACD code* throughout this document. An ACD code is a three-character code composed of an alphabetic character and two numeric characters (e.g., "S15" is the code for "Speeding 15 or more mph above the regulated or posted speed limit"). ACD codes are used in messages sent over AAMVANet, a secure computer network that connects to each SDLA in the 50 U.S. states and the District of Columbia. The ACD Codes, Descriptions, and Abbreviations are listed in Appendix A of AAMVA's [ACD Code Dictionary Manual](#). Codes are listed by groups of convictions, such as "Alcohol and Drug Violations" and "Speeding Violations" and by groups of withdrawal reasons. Most ACD codes are used in reporting convictions (see "conviction" defined in Part 49 of the Code of Federal Regulations, Section 383.5). Many conviction ACD codes are used when communicating the reason for a withdrawal. Withdrawal is the disqualification, revocation, suspension, denial or cancellation of a driver's license (see "disqualification" defined in 49 CFR §383.5). A few of the ACD codes are used only for withdrawals, and most often these Withdrawal ACD Reason Codes are used to signify second and third convictions within a federally specified time period (see Section 3, Recording Convictions).

## Section 2 Reporting Convictions

This section describes the genesis of CDL-related convictions, roadside enforcement, and court action and offers the following recommendations:

- Officers note the CDL status of all cited drivers on relevant charging documents.
- Courts and SDLA work to transmit and record CDL violations promptly.

Law enforcement, prosecutors, judges, court staff, and clerks play vital roles in reporting CDL violations and keeping CDL holders accountable for unsafe driving behaviors. These important safety stakeholders support accurate violation reporting by properly adjudicating citations and reporting convictions. Driving violations, whether in a CMV or a personal vehicle, indicate a potentially unsafe driver. Traffic and other related convictions, when correctly recorded, enable jurisdictions to properly identify and sanction dangerous drivers, ultimately correcting unsafe behavior or removing these drivers from the road.

CDL violation adjudication involves many stakeholders and is a multiphase process. However, the entire process begins with and depends on what happens at the roadside as officers enforce laws and issue citations. The on-scene officer is the first person able to intervene to stop unsafe driving behaviors and to issue citations so that offenders are held accountable. Moreover, the officer, as part of his or her investigative role, should always note and record whether a driver holds a CDL (or CLP) privilege and whether the driver was operating a CMV at the time of the offense. It is important for officers to understand why each one of these questions is individually and equally important. For

drivers with CDL privileges, special, mandatory sanctions may apply regardless of vehicle type. For instance, a CDL holder who is convicted of impaired driving will receive CDL-specific consequences. In fact, CDL holders convicted on non-traffic-related offenses, including human or drug trafficking, may face mandatory CDL privilege loss for life. **It is vital that CDL status be noted on all traffic offense charging documents, and officers may also want to include CDL status generally on arrest reports as information to be used by the court during the sanction phase of the procedure.** This practice is important even if the driver holds a foreign driver license, as resulting convictions or withdrawals must be reported to the [Federal Convictions and Withdrawal Database \(FCWD\)](#). The FCWD is an FMCSA-created subsystem within CDLIS that provides authorized users with a combined record of driver status, including convictions, per Canada and Mexican commercial driver licensing authorities.

Similarly, the operation of a CMV, regardless of license status, should be noted. Drivers operating a CMV without the proper class of license or endorsement may receive sanctions based on the privilege they should have obtained prior to driving a CMV or hauling a specific load. The operation of a CMV may also impose additional duties on a driver if he or she is carrying passengers or hazardous materials or crosses railroad tracks. It is important for law enforcement to note both the driver's license status (including endorsements) as well as the type of vehicle being operated and any other pertinent factors. For instance, the GVWR could be noted. Officers should not assume that the charges themselves are sufficient to convey license or vehicle information and should note this information on the charging instrument regardless of charge type.

The roadside officer provides the best chance for the violation to proceed pursuant to statutory intent.

After all information has been obtained, the officer can move forward with issuing the proper citations or charges. For convictions to be properly recorded on a CDL holder's driving history and thereby result in proper CDL disqualification, citations must be issued by a law enforcement officer or an MCSAP<sup>3</sup> officer and then properly adjudicated through the court system or tribunal. The actions of law enforcement officers are the first link in a sequential chain of events leading to safer roadways.

Depending on the nature of the violation or the location of the offense, a citation or case may proceed in a local, state, or federal legal system. The many professionals involved in the processing of traffic citations and charges rely on the information provided by law enforcement officers. If a driver disputes a charge, a prosecutor can review citations and the criminal case. This review includes reading through charging instruments, police reports, and DHRs to determine the best disposition for each offense. Often, negotiations result in pleas of guilt. Judges may also review the facts of an offense to decide whether or not to accept a negotiated plea agreement. If no agreement can be reached, judges (and sometimes juries) may determine a defendant is guilty after a hearing or trial. Court staff can assist in the preparation of conviction documents, court clerks can report these convictions to the SDLA(s), and the SDLA(s) imposes a CDL disqualification, if appropriate. CDL-related convictions, especially those carrying license disqualifications for major offenses, should be reported and recorded (within 10 days)<sup>4</sup> and sanctions imposed promptly to ensure dangerous drivers are removed from the roads.

<sup>3</sup> The MCSAP is a federal grant program that provides financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving CMVs. 49 CFR § 350.101.

<sup>4</sup> 49 CFR § 384.208 requires that "No later than 10 days after disqualifying a CLP or CDL holder licensed by another State, or disqualifying an out-of-State CLP or CDL holder's privilege to operate a commercial motor vehicle for at least 60 days, the State must notify the State that issued the license of the disqualification via CDLIS."

*CDL-related convictions, especially those carrying license disqualifications for major offenses, should be reported and recorded (within 10 days)<sup>5</sup> and sanctions imposed promptly to ensure dangerous drivers are removed from the roads.*

Pursuant to the FMCSRs, many offenses carry mandatory minimum sanctions. Major and serious offenses as well as offenses involving railroad crossings and out-of-service violations are examples of offenses with mandated sanctions. Jurisdictions must be aware that not all convictions that impact CDL status and carry mandatory loss of CDL privilege will be directly related to traffic offenses. If a CDL holder is convicted for human trafficking while using a CMV, this can result in a lifetime loss of CDL privilege. In addition, non-driving offenses committed in non-CMV's may also carry mandatory CDL sanctions. Any felony committed by a CDL holder "using" any vehicle can carry either a 1-year or lifetime (reinstatement eligible after 10 years) loss of privilege. If the felony involves "manufacturing, distributing, or dispensing a controlled substance," the loss may be for life with no reinstatement eligibility. **SDLAs can work with courts to spread awareness of these less well-known sanction mandates.**

Each participant in the citation and adjudicating process supports the accurate reporting of conviction by correctly recording all relevant data and being sure to identify both CDL status and CMV involvement. If law enforcement officers are the first link in the chain, then the SDLA is the last. Put another way, for SDLAs to do their job, the citation, conviction, and adjudication processes (i.e., recording convictions on driver's records and disqualifying drivers) must be done in accordance with FMCSRs and best practices. All of this begins with

<sup>5</sup> 49 CFR § 384.208 requires that "No later than 10 days after disqualifying a CLP or CDL holder licensed by another State, or disqualifying an out-of-State CLP or CDL holder's privilege to operate a commercial motor vehicle for at least 60 days, the State must notify the State that issued the license of the disqualification via CDLIS."

law enforcement at the roadside. Officers must first “check the box” (or, if necessary, write in information) to flag the critical facts for SDLAs to manage at the end of the process. **Every time a law enforcement officer issues a citation, the officer must indicate on the citation if the driver holds a CDL (or CLP) and,**

**regardless of CDL status, whether the violation was committed in a CMV.** These pieces of information, coupled with the citation, alert the court and the SDLA that the offense may require special handling and be subject to FMCSR-mandated reporting and sanction requirements.

## Section 3 Recording Convictions

### Introduction

This section explains the necessary steps for SDLAs when receiving convictions from the court and either applying them to the CDL driver (or driver who was operating a CMV and should have held a CDL) record or making sure that the jurisdiction which issued the license receives notice of the conviction (convictions are posted to CDLIS). This section also explains the importance of and the steps for recording convictions on CDL holder driver records and offers the following recommendations:

- Stakeholders recording driving-related convictions should be aware of the driver's CDL status.
- All stakeholders accessing or working with CDLIS should understand why drivers appear in CDLIS or have a pointer, as well as why the pointer is maintained.
- Law enforcement officers should be aware of the available roadside state query options and how to access these systems.
- Prosecutors should request a CDL driver's record through CDLIS.
- Personnel running Nlets and CDLIS queries should be able to comprehensively review and interpretation query results and receive informational updates or training as necessary.

### Procedures

The procedures for recording convictions and imposing sanctions on CDL holders may differ from those used when handling DL violations based on federal regulations that impose requirements specific

*Stakeholders recording convictions should always be aware of a driver's commercial driving privilege as well as any endorsements or restrictions that may affect minimum sanction requirements.*

to CDLs. Stakeholders recording convictions should always be aware of a driver's commercial driving privilege as well as any endorsements or restrictions that may affect minimum sanction requirements.

1. Upon conviction, the court will inform the SDLA in the state where the offense occurred of the conviction. Notices of convictions are received from the court system electronically by an SDLA. (At times, paper convictions are sent by mail, but this method is not preferred because it introduces the possibility of failed delivery or delayed delivery that does not occur within federally mandated timeliness of transmission requirements.) The electronic transmission systems differ from jurisdiction to jurisdiction and are not nationally standardized. Given federal mandates on the timeliness of CDL-related conviction transmission, SDLAs may choose to prioritize their processing.
2. After the SDLA receives notice of the conviction, it is reviewed. If the transmitted conviction contains an error, a manual review of the conviction is conducted. It may be logged on an error list. If necessary, the court of conviction may be contacted to obtain missing information or clarification on the judgement conditions.
3. If a conviction appears correct and contains all required information, the conviction will

be entered electronically into CDLIS. This upload automatically appends convictions onto drivers' records if the offense occurred in the jurisdiction where the license is held.

4. When information is shared using CDLIS, ACD codes help translate state offenses, which may be codified or defined differently between states; this allows states to apply federally mandated sanctions uniformly against drivers, even for offenses that occurred in other jurisdictions.

## ACD Codes

ACD codes are important identifiers used when sending information regarding CDLs. ACD codes are used to describe convictions and withdrawals relating to commercial and non-commercial drivers. The codes identify the type of violation or the reason for the CDL privilege withdrawal.<sup>6</sup> **It is critical for DHR accuracy to use the correct ACD code when submitting convictions and withdrawals.** In addition, for stakeholders still sending notice of convictions on paper through the mail, it is critical that any included ACD codes be clear and legible. Electronic conviction transmission may help avoid legibility or interpretation errors.

*Electronic conviction transmission may help avoid legibility or interpretation errors.*

## CDLIS

As explained in the first section of this document, CDLIS is a nationwide system that enables SDLAs to ensure that each commercial driver has only one driver's license and one complete driver record. State driver licensing agencies use CDLIS for multiple reasons such as to transmit out-of-state convictions and withdrawals, transfer driver records for CDL holders moving to a new state, respond to requests for

driver status and history, and check for driver presence in the Drug and Alcohol Clearinghouse.

**All stakeholders who will be accessing or working with CDLIS should understand why drivers appear in CDLIS or have a pointer, as well as why the pointer is maintained.** A pointer is created when an entry is made regarding a driver being issued a CLP or CDL or when convicted of an offense for which a CDL or CLP is required but the driver does not have that privilege.

Drivers are in CDLIS for the following reasons.

1. The driver has a CDL or CLP. Each state that issues a CDL creates a driver record for the licensee and becomes a state of record (SOR). Creating and keeping this DHR was mandated by the CMVSA of 1986.
2. The driver previously held a CDL but no longer does. CDLIS maintains this record for at least 1 year after the last issued CDL has expired or longer based on the retention requirements associated to adverse history. This is done to ensure a driver cannot voluntarily surrender a CDL—thus deleting the history—and then reapply for another CDL to subvert a suspension or avoid a negative driver history. Additionally, this ensures drivers cannot receive a valid CDL simply by moving to a different jurisdiction.
3. A driver was convicted of operating a CMV without a CDL or CLP when a CDL or CLP was required for the vehicle operation. If this happens, and the jurisdiction can identify the driver's existing driver history and SOR, the jurisdiction of record will establish the CDLIS driver record based on current information for the driver. However, if the licensing jurisdiction cannot be identified or does not exist, the convicting jurisdiction generates a driver license number for the driver and creates the CDLIS driver record. This process ensures all convictions are recorded in CDLIS and associated with the correct driver. The driver can therefore be disqualified as required by mandatory sanctioning

<sup>6</sup> For a complete and updated list of ACD codes or to learn more about them, see [AAMVA.org](http://AAMVA.org).

regulations for these driving offenses (e.g., being convicted of driving under the influence of alcohol while operating a CMV). If an offense carries a mandatory CDL disqualification, the disqualification can now be imposed on the driver regardless of actual obtainment of a CDL or CLP and an accurate driver history created and maintained. This history will ensure a driver cannot obtain a CDL until 1 year or longer after the conviction (whenever a CDL holder would have been eligible for CDL reinstatement) simply by claiming he or she had not previously held a CDL or that the prior offense did not occur while a CDL or CLP privilege was held. In short, this prevents drivers from avoiding mandatory sanctions and loss of privilege or from relevant convictions that may increase future sanctions from appearing on driver histories or be counted for future sanction imposition.

### *CDLIS Accuracy*

A federal regulation, 49 CFR § 384.225, establishes mandates for states. This requires states to record all convictions, license disqualifications, and other licensing actions for traffic control law violations by a driver who holds or should hold a CDL or CLP. The SDLA must also keep certain medical certification status information entered and updated. A 2021 rulemaking, *Commercial Driver's License Standards, Requirements and Penalties; Exclusively Electronic Exchange of Driver History Record Information*, established SDLA requirements for sending all driver history record information electronically via CDLIS.

**Jurisdiction members review their CDLIS interactions for completeness and accuracy and work to comply with this and other FMCSR.** The Master Pointer Record (MPR) data quality validation and verification process identifies missing pointers, broken pointers, or incorrect data on MPRs at the CDLIS Central Site based on driver record information at the corresponding SOR. This helps states ensure that their MPRs are complete and accurate.

*Prior to issuing a CDL, a state will use both CDLIS and NDR to check the driver's record, with the CDLIS inquiry making certain the applicant does not already have a CDL or is disqualified.*

AAMVA provides support and advice to users of CDLIS. The [CDLIS CD31 Best Practices Guide 1.0.4](#) offers AAMVA jurisdiction and federal members guidance to states in using CDLIS. In addition, AAMVA offers informational webinars and training courses related to CDLIS. Stakeholders can visit the AAMVA website on the [Webinars and Training page](#) to see all systems learning opportunities or [here](#) to see a prefiltered list for CDLIS.

### *CDLIS Access*

Prior to issuing a CDL, a state will use both CDLIS and NDR to check the driver's record, with the CDLIS inquiry making certain the applicant does not already have a CDL or is disqualified. As explained earlier, CDLIS is a pointer system to comprehensive driver history information and personally identifiable information and a system that operates on a network that allows all 51 U.S. jurisdictions and other CDLIS stakeholders to exchange commercial status and driver history information. The CDLIS DHR is maintained at the jurisdiction that has been established as the owner of the record; this is the complete set of status and history information that is stored by states and accessible per regulatory requirements.

AAMVA maintains and operates the Central Site that stores a corresponding MPR that indicates (or points to) which jurisdiction is the current owner of the CDLIS MPR for each driver; the pointer includes identification information for the driver but not additional status or history information. Essentially, CDLIS is what allows communications among all U.S. jurisdictions as they exchange commercial status and driver history information.

CDLIS is accessible only by a person who has been [authorized by FMCSA](#). CDLIS access, reserved almost

exclusively for law enforcement agencies, is typically granted through the lead MCSAP agency to individual officers, or inspectors. Each state has a designated lead MCSAP agency and policies and procedures to provide access to CDLIS. The lead MCSAP agency is often the state police or highway patrol. Users are typically employed by SDLAs or law enforcement agencies, working as commercial vehicle inspectors or MCSAP members. In addition to establishing minimum standards for state CDLIS record keeping, 49 CFR § 384.225 also details who may access CDLIS.

**Stakeholders can contact the jurisdictional MCSAP lead agency with CDLIS questions.** Otherwise, agencies should contact their lead MCSAP agency for CDLIS access.

Understanding how CDLIS is controlled improves stakeholder understanding of how officers and others are finding out information about driver histories in the field. Because access to CDLIS is restricted, not all law enforcement officers have access. However, each dispatch center for all of law enforcement may run CDLIS in one of two ways. First, like law enforcement officers, the dispatcher may have individual CDLIS access. In addition, Nlets may access CDLIS through its internal query as well (this query is much like the query used to access the FBI database or run a license plate.) The state entity for the Nlets switch may need to turn on this feature.

State agencies responsible for Nlets can provide the “switch” for CDLIS access, which can be run through dispatch centers across the state.

A list of federally authorized user roles is provided in 49 CFR § 384.225. Not all law enforcement agencies or individual officers have access to CDLIS based on individual state statutes, regulations, or policies.

### *Prosecutors and CDLIS*

**As a best practice, prosecutors should request a CDL driver’s record through CDLIS. Generally, prosecutors are not authorized by FMCSA to**

**access CDLIS.** Prosecutors can usually access CDLIS information in one of four ways:

1. Contacting the officer who issued the citation; if the officer has access, they may be able to provide the information;
2. Contacting the lead MCSAP agency who may be able to provide access;
3. Requesting an official record through the state driver’s license agency; or
4. Having a dedicated court liaison who is a law enforcement officer with CDLIS access.

**Stakeholders can investigate the best way to obtain access by speaking with the designated CDLIS agency.** If a stakeholder believes they should have access to CDLIS but does not receive access from the dedicated state representative, the stakeholder can petition the Secretary of Transportation for access.

### *Dispatch and CDLIS*

As explained previously, dispatchers may have access to CDLIS. In fact, dispatch centers may be very well suited to provide access to Nlets and CDLIS information. Dispatch centers are eligible to have CDLIS access through their state Nlets switch. If the agency dispatch does not currently have access, they can contact their state agency Nlets coordinator for more information.

Dispatch centers are already integral to the roadside officer. The roadside officer must be concerned with all aspects of the traffic stop. The officer may be confronted with varying and sometimes extreme weather conditions or engaged in a critical event such as a crash. The officer must also monitor the driver and other vehicle occupants, maintaining awareness of their actions and the surrounding environment while conducting the traffic stop or crash investigation. DHRs can be complex with many entries. Both

Nlets and CDLIS require attention to detail while researching a driver's history.

Officers may conduct a check of the driver's history from the vehicle at roadside, through a mobile data terminal, or jurisdictions can use dispatch centers to run Nlets and CDLIS queries (also known as CL queries) so the officer can focus on completion of other tasks. Whichever personnel a jurisdiction employs to run Nlets and CDLIS queries, the reviewer should be capable of comprehensive review and interpretation of the query results.

Knowledge, training, and regular system access are critical components for successfully analyzing a driver history. All personnel responsible for querying Nlets and CDLIS should receive informational updates or training as necessary to stay informed on changes with these systems. As noted, a typical Nlets inquiry will show the driver license status; however, a special query must be run through Nlets to check the more specific CDLIS driving history and medical certification. As of the publication of this document, a direct CDLIS query is the *only* way to ensure a complete CDL history of the driver, confirm the medical certificate, and discover a driver's presence in the FMCSA Drug and Alcohol Clearinghouse.

### **Roadside**

For roadside officers, CDLIS is a preferred method to query a CDL or CLP driver's history for a comprehensive view of past driving behavior. Prior to the 1986 CMVSA, some drivers might have possessed multiple licenses. This meant law enforcement conducting traffic stop might encounter a driver with a valid CDL from one or more states and a suspended or revoked CDL or driving privilege in other states at the time. CDLIS was designed to ensure each operator of a CMV who has a commercial driver's license has only one driver's license and one driver's history. This works to prevent a circumstance when a driver has multiple licenses with unconnected histories of violations.

Police and deputies working in traffic safety-related activities are engaged with drivers for a brief period of

*All personnel responsible for querying Nlets and CDLIS should receive informational updates or training as necessary to stay informed on changes with these systems.*

time as they assess driving behavior, determine potential violations of law, and review relevant driving history. **A single CDL driver's history record with information from all jurisdictions where a driver has held a driving privilege or received a conviction for a traffic violation allows law enforcement officers effecting traffic safety operations roadside to understand a driver's true history.** This knowledge is critical for the officer who must decide on the appropriate enforcement and charging action in the case of a traffic or other violation. **For this reason, law enforcement officers should be aware of the available roadside state query options and how to access these systems.** It is also important officers are able to interpret CDL and CDLIS records as well as understand the nature of the record content and purpose of each records source, whether state or federal. This in turn gives law enforcement officers at roadside confidence to issue citations based on the information provided in the record and behavior observed.

### **Nlets**

Law enforcement may choose to consult various sources of information regarding a driver's history. Much like CDLIS, many law enforcement officers have access to Nlets. Officers may access this information through their mobile data terminals or through other means. They use their state certification credentials to view a driver's history, status, class, criminal history, and other important information.

This is the query officers are most likely accustomed to running. When an officer asks their dispatch center to run a driver's license check, the dispatcher will check Nlets for a criminal history, along with other data sources, including the state database, for license history, status, class, criminal history, and

other important information. In addition to these information resources, the dispatcher may need to obtain confirmation from an out-of-state jurisdiction for things such as out-of-state warrants. Much like the verification of an out-of-state warrant, a dispatcher can confirm a CDLIS return with the SOR.

At times, additional queries may be used to provide confirmatory or explanatory information. As an example, a law enforcement officer in one state stops a CMV because the driver is speeding. The officer uses their in-vehicle computer to run the out-of-state license history query through CDLIS as described earlier. The CDLIS return shows the driver has a history of speeding (or is suspended) through the SOR. The officer can ask the dispatch center to confirm with the SOR the driver's history, establishing the validity of the history or clarifying any questions.

### *Courts*

Stakeholders in the courts have their own duties related to processing CDL violations and, ultimately, supporting the accuracy and integrity of driving histories. The court system involves law enforcement officers, prosecutors, other attorneys, judges, and clerks. Each actor has a different professional duty, from charging to adjudicating to properly recording and transmitting convictions. Law enforcement and prosecutors need accurate driver histories to determine the correct charges, for instance, whether an impaired driving offense is a true first offense or should be charged as a second or subsequent offense. Judges may need to know about a driver's driving history when setting a bond or bail or during sentencing for a conviction. The interaction of various court stakeholders is complex and interdependent. In these

CDL-related cases, access to and understanding an accurate driver's history is critical.

Performing a driver's license query or obtaining a complete DHR should be considered a duty or a standard of care for stakeholders adjudicating and processing CDL violations. These records provide valuable information regarding both charging and sanctions. Courts should expect whoever is submitting driver records for consideration has conducted checks of all available systems and has used due diligence to ensure the correct records appear before the bench.

Prosecutors may consider whether to accept records provided by citing officers or deputies as complete, instead opting to establish procedures ensuring each driver's history is checked thoroughly. To accomplish this, prosecutor can work with law enforcement with necessary database access to be certain that both the driver's license (CDL or non-CDL) history and the driver's full criminal records have been obtained and reviewed.

### **Resources exist for courts and prosecutors working on cases involving driving- or driver license-related offenses.**

The National Highway Traffic Safety Administration (NHTSA) has established programs for traffic safety resource prosecutors, judicial liaisons, and law enforcement liaisons in almost all states. These subject matters serve as trainers across the state on various traffic safety topics. These individuals may be valuable resources for SDLA' seeking to establish working relationships with other stakeholders or with specific questions outside their own fields of expertise.

Some jurisdictions are fortunate enough to have dedicated law enforcement personnel serve as official liaisons to courts or SDLAs. The individuals can also help with questions or concerns. Ultimately, every officer and prosecutor working on a traffic case needs to fully understand the DHR and determine the driver's license class to understand the attendant requirements that come from the FMCSRs. Confirming this information will help ensure the state does not inadvertently mask convictions by missing a driver's CDL or CLP status.

*Performing a driver's license query or obtaining a complete DHR should be considered a duty or a standard of care for stakeholders adjudicating and processing CDL violations.*

## Tribal Courts

SDLAs located within a jurisdiction adjacent to “Indian country”<sup>7</sup> may need to be aware that convictions from tribal courts may arrive. In addition, an SDLA not located near Indian country might see convictions that have been issued from a tribal court. SDLAs will likely see fewer commercial driving cases from tribal courts than state, municipal, and city courts—in part because tribal courts might not receive citations for these cases.

However, SDLA representatives should keep in mind that tribal law enforcement officers may be cross deputized with state or local law enforcement agencies. In these cases, they could send commercial driving cases to non-tribal courts. The decision of where to send the case might also be impacted by jurisdictional complications that can arise when issuing citations to be adjudicated by tribal courts. Law enforcement may choose to consider the nature of the offense and whether the suspected offender is a tribal member. Tribal courts have limited criminal jurisdiction over non–Native Americans, but tribes may have authority to adjudicate civil infractions over violations by Native Americans and non–Native Americans that occur on roadways within tribal lands. Tribal courts’ capacity to adjudicate commercial driving cases might be limited by whether the tribal code includes commercial driving provisions and whether the code expressly permits or forbids the application of state law through tribal courts. Tribal jurisdiction could also become complicated if the geographic location of the offense is ambiguous, such as with reservations that are checkerboarded, meaning the tribal trust land is interspersed with non–Native American–owned fee land that may be subject to local jurisdictions.

---

<sup>7</sup> The term “Indian country” is defined in 18 U.S.C. § 1151 and 40 CFR § 171.3 as “all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

SDLAs and other stakeholders should be aware that the ability for tribal courts to report convictions to the SDLA could be impacted by intergovernmental relations, such as whether the tribal court has a data sharing agreement with the state or surrounding municipalities. Tribal court citations may or may not capture the necessary information to ensure courts recognize the commercial nature of the case.

This and other court differences may impact the extent convictions under tribal law are easily translated into ACD codes. More information on tribal courts can be found on the [National Judicial College’s website](#). **SDLAs, particularly those near Indian country, may want to work with the State Attorney General, internal legal counsel, or tribal court representative to understand any prevailing agreements regarding tribal courts sending traffic convictions, particularly CMV- and CDL-related convictions, to the SDLA.**

## Other Special Issues and Considerations

State and federal law does not encompass every issue the department of motor vehicles may have jurisdiction or plenary power over. An example is medical review for driver competency. Stakeholders may want to explore the oversight authority of the jurisdictional SDLA. This can assist in finding important contextual information when investigating a driver or working with a DHR.

Beyond general awareness of a driver’s record, it may be necessary to prove the validity of an underlying prior conviction for charging or sentencing purposes. Understanding where information is recorded and retained can help in accessing that information if the need arises. This is another example of the critical importance of stakeholders working together and being aware of respective roles and responsibilities. For instance, a law enforcement officer can work with a prosecutor to subpoena relevant records, such as CDL medical certifications, from the SDLA during a DUI investigation or case preparation.

Some issues will relate to the medical qualification of a CDL holder and require court stakeholders to work with SDLAs. Medical defenses or medical related crash causations may render medical certification relevant. For example, a DUI or crash defense may be related to a medical deficiency such as an unclaimed impairment of a limb or other ability, and a medical certification record may reflect this claimed impairment was not previously recorded during a CDL medical examination. Similarly, a CDL driver might assert a sleeping disorder or attention deficit disorder affected his or her ability to perform standardized field sobriety testing. In the case of an asserted medical defense, the prosecutor and investigative law enforcement agency may want to review and compare the information provided by that driver during the medical examination process. This is also an example of how officers may both receive and contribute information to support CDL DHR accuracy and completeness.

**If a CDL (or non-CDL holding) driver claims an ongoing medically impairing condition, most often as a defense to an impaired driving or crash-related offense, the officer may consider reporting this condition to the SDLA.** The SDLA can then determine if a medical review of the driver's fitness is appropriate based on the alleged medical impairment and the review criteria established in the jurisdiction.

## Timeliness

The courts are part of the 10-day reporting time standard for out-of-state CDL convictions. Courts should make every effort to report traffic convictions, including commercial driving cases, in a timely manner and without delay. Factors that impact timeliness of reporting from a court to the SDLA may include

1. Paper is still the primary process for reporting. A batch may be collected and sent out together, for example, each week. If paper is collected and mailed, then there will be several days used in the transport and delivery of the paper convictions.

2. Legacy technology may limit the effectiveness of electronic transmissions because of fewer choices on output formats. Often older output formats are not easily changed. These older, out-of-date systems may exist at the court, SDLA, or both.
3. There may be a lack of standards for data exchange and quality control.
4. Data for CDL cases may not be readily distinguishable, which requires additional processing (manual or automated) to complete the recording of convictions properly.

It may improve recording convictions if stakeholders who are information and decision touchpoints related to a commercial driving case reach consensus on standards and definitions for data collection. This will allow for a uniform understanding of the information and that all needed data points are properly collected at each touchpoint. This will aid in information sharing and reporting.

*Courts should make every effort to report traffic convictions, including commercial driving cases, in a timely manner and without delay.*

Both timeliness and accuracy can be improved with language consistency. One area important for local and state charges to be properly converted to the corresponding ACD code for out-of-state conviction reporting. Although it most often falls to the SDLA to perform this conversion from statute or charge to relevant ACD code, this process can be done with greater accuracy and consistency if stakeholders and work together to standardize charge codes.

## Section 4 Accessing and Interpreting Records

This section explains who is accessing CDL DHRs, how the access is obtained, and the importance of understanding how to interpret these records after they have been accessed. It provides a brief summary of issues related to access and offers insight into overcoming these challenges.

As discussed in detail in prior sections, law enforcement most regularly accesses DHRs outside of SDLAs. From a practical standpoint, officers and deputies often rely on records to guide enforcement and charging decisions. Law enforcement is charged with serving and protecting citizens in the communities where they work. The ability of the traveling public to safely use the nation's roadways is key, and unfortunately, traffic crashes are a leading cause of injuries and deaths. Traffic safety enforcement, especially when CDL focused, helps relevant licensing authorities identify dangerous drivers and unsafe vehicles with the aim of removing hazards from the roads. To this end, law enforcement officers need to have quick and complete access to driver license information to properly enforce the laws in their communities, cities, and states. They also need this information to investigate motor vehicle crashes to determine how and why they occurred. This will hopefully lead to efforts to prevent these crashes, injuries, and fatalities in the future. Agencies with challenges in accessing full driver histories may consider how to obtain this critical access and training to understand all records they may be accessing. Practices such as this will support officers' trust in and reliance on these records.

One option for agencies without direct access to CDL driver histories is to seek assistance from other

*Traffic safety enforcement, especially when CDL focused, helps relevant licensing authorities identify dangerous drivers and unsafe vehicles with the aim of removing hazards from the roads.*

agencies. As an example, a sheriff in the Midwest might work with a specialized commercial vehicle unit from the state's Highway Patrol. Access to these resources and specialized enforcement is not available to all sheriff's offices. It may vary based on jurisdiction or by how rural or urban an area within a jurisdiction is. Law enforcement query protocols and equipment may also vary by agency preference or budget. All of this affects whether law enforcement has the tools they need to query CDLIS and other information via their in-vehicle mobile data terminals (MDTs) and are trained on the TAS (Traffic Arrest System), Nlets, NCIC, and Regional Justice Information System (REGIS) resources.

Agencies can consider whether current practices are optimal. In some jurisdictions, it may be considered more efficient for law enforcement to perform record queries at the roadside than going through dispatch. They can access records from any U.S. state or territory without issue and are trained in these processes. Although it is possible for searches to be made, it is not possible to check all states where a driver might have been issued a CDL. This does create an issue if a driver has multiple licenses from multiple states, although this is likely the exception rather than the rule.

It is important that all law enforcement engaged in traffic or highway enforcement be familiar with and understand the CDLIS records system and how to

use and navigate it. Jurisdictions can make training and education on this resource available regularly, as updates and changes to the system will help to keep sheriffs and law enforcement current and effective with their enforcement of our roads.

The National Sheriffs' Association's Traffic Safety Committee recently approved a resolution to address this issue, supporting the State-to-State Electronic Driver History Record Data Sharing that was drafted by safety partners at AAMVA and [Responsibility.org](#).

Awareness of other resources such as the [FMCSA Drug and Alcohol Clearinghouse](#) and the [Large Truck and Bus Traffic Enforcement training](#) is also important. Jurisdictions may choose to prioritize training or providing resources on these topics and including other stakeholders such as local law enforcement officers. Federal and state promulgated resources are important tools for jurisdictions and other stakeholders to review because they promote and explain the importance of commercial vehicle enforcement.

## Section 5 Training and Outreach

Throughout this document, the need for awareness of and familiarity with the various systems supporting complete and accurate DHRs has been suggested. This section emphasizes the importance of training and education to support this need and discusses options to improve stakeholder understanding of CDL DHRs and interagency cooperation. It offers the following recommendations:

- State MCSAP agencies and SDLAs should regularly meet to discuss CDL violation processing challenges and solutions.
- Individual and joint trainings should emphasize the role of each stakeholder and include information relevant to the accurate and timely processing of violations and accessing and interpreting DHRs.

Working collaboratively is key to attaining most of the recommendations in this document and to meeting the goal of accurate and complete CDL DHRs. To this end, in each state the lead MCSAP agency and SDLA should regularly meet and discuss challenges and solutions. SDLAs can work with the state agency responsible for motor carrier safety enforcement to find trainers and obtain training materials. CDL coordinators can serve as trainers for other agencies, including the courts. Local law enforcement will also benefit from training with the state lead MCSAP agency.

Most stakeholder agencies offer trainings to new and even experienced personnel. This training can be examined to determine whether it is sufficient to achieve the best practices outlined in this document. For example, individual and joint trainings should emphasize the role of each stakeholder. These trainings

should include emphasize the importance of SDLAs, courts, and law enforcement at every stage of CDL violation enforcement, understanding the topics covered in this document. This requires stakeholders' commitment to expending resources and spending time on regular and recurrent training and a willingness to maintain awareness of available national, regional, and state resources. **Stakeholders can take advantage of relevant free training or materials are available. AAMVA regularly provides relevant trainings and webinars, many of which are archived online.**

At a minimum, trainings will explain to recipients the following:

- Law enforcement, prosecutors, judges, court staff, and SDLAs make critical decisions regarding the issuance of citations, the reporting of violations, transmittal of convictions, and imposition of sanctions. Judges, juries, and administrative tribunals determine innocence or guilt and impose appropriate sentences. These individuals are the front line and the importance of accuracy and thoroughness in their work cannot be overstated.
- Well-trained, knowledgeable court clerks, SDLA staff, and law enforcement officers can provide detailed information regarding a CDL holder's driver history to judges and other finders of fact, supporting a just outcome and ultimately improving road safety.
- All stakeholders responsible for reviewing and acting on CDL driver histories should understand the best tools available to find the most updated and accurate information possible.

One way to improve the processing of CDL violations and convictions is to make sure that stakeholders understand not only the procedures to follow but also the relevance of these disparate procedures within the procedural chain. This promotes cooperation and helps stakeholders take pride in the importance of their work. Stakeholders should, through training, understand the critical natures of their roles and how their roles fit into the committed group of professionals working to process violations from roadside to license sanction. Even the most basic training for stakeholders should therefore include, at a minimum, the following information:

- At roadside, it is vital that officers understand if the driver holds a CDL privilege. This information and whether or not the driver was operating a commercial vehicle (and whether the CMV was transporting hazardous materials) should be clearly indicated on the citation.
- Federal mandates, incorporated into state statutes, may guide dispositions, such as prohibitions on judicial diversions or mandated sanctions.
- Federal mandates, incorporated into state statutes, establish timelines for transmitting convictions.

Training can also provide stakeholders with important information that can support their decision making in dealing with unusual situations. For instance, it can explain how to follow up on information in a driver's history if questions or misunderstanding arise. It may be necessary to obtain certified convictions or contact states for other verification or explanations. This can be particularly important for criminal court actions, which may require a certified driver history from the jurisdiction that issued the CDL. There may also be a need to obtain additional information regarding drivers with commercial licenses issued by either Canada or Mexico.

The intricacies of transportation laws and regulations can be overwhelming, making specialized training critical for every person working within this system. This training should include a fundamental understanding of relevant FMCSRs as well as applicable local rules and laws. CDL holders may receive citations for violations of city ordinances, state laws, or federal regulations. As these violations move from roadside issuance to adjudication and sanction, confusion may occur, leading to a failure to adhere to legislatively mandated process requirements. However, training can clarify the applicability of various regulations and explain when and how to sanction CDL holding drivers. Understanding and correctly applying controlling rules and statutes is important because certain violations, especially those involving very dangerous driving behaviors, carry federally mandated periods of loss of driving privileges or other elevated sanctions.

Traffic safety professionals need access to and an understanding of the information necessary to remove dangerous drivers from the road and keep the traveling public safe. Training for these professionals should be a priority. The most successful trainings often involve cross-collaboration between multiple stakeholder groups. For instance, law enforcement benefits from learning about the way violations proceed through the courts. Prosecutors benefit from understanding why and how CDL violations are sanctioned by relevant SDLAs. Court staff benefit from a deeper understanding of how officers at roadside record CDL status on reports or citations later presented in court. For example, the [New York State Magistrate Association for Court Clerks](#) began including a class on transportation law in its curriculum. The training was developed to include a local judge with experience and knowledge in this area. The ongoing training evolves to include the most current and up-to-date information available and provides participants with handouts that can be carried back to the workplace to utilize as reference materials.

Each state has a MCSAP lead agency. These agencies receive funding from FMCSA to improve highway safety related to the operation of commercial motor vehicles. SDLAs often receive FMCSA grants aimed at improving driver history completeness, helping to ensure the one driver, one license, one record principal. Both officers and dispatchers benefit from ongoing training relating to querying and interpreting CDL driver histories.

Jurisdictions have differing resources and training budgets. **Training costs can be reduced if trainings are held jointly with other organizations and safety stakeholders.** In addition, many nonprofits provide training materials, instructors, or live training events at low or no cost. SDLAs can explore options by accessing relevant websites, including those hosted by federal entities such as FMCSA and NHTSA. It may also be useful to visit nonprofit websites for organizations such as AAMVA, the Commercial Vehicle Safety Alliance, the National Center for State Courts, the National Judicial College, the National District Attorneys Association's National Traffic Law Center, the Governors Highway Safety Association, and others.

Working with other stakeholders, particularly relevant nonprofits, is good strategy. Organizations representing prosecutors and judges receive funding from FMCSA to provide training and assistance on CDL issues. SDLAs can explore the options for working with these organizations by reviewing their websites and inquiring about collaborative training. Other non-profits may also provide excellent resources. Possible training resources include but are not limited to the following:

- [The National District Attorneys Association's National Traffic Law Center](#)
- [The National Judicial College](#)
- [The National Center for State Courts](#)
- [The International Association of Chiefs of Police](#)
- [The National Sheriffs Association](#)
- [The Commercial Vehicle Safety Alliance](#)
- [The Governors Highway Safety Association](#)

These and many other organizations conduct their own training and often provide trainers for other agencies. By exploring these and other websites and contacting the organizations directly, stakeholders may be able to take advantage of existing resources such as best practice documents or manuals, training curricula, and archived or pending webinars or lectures. In addition, many of these organizations may be able to provide direct, cost-free technical assistance or sign up for list serves or discussion groups. It is important for SDLAs and other stakeholders to be aware of resources and take advantage of them as a means of cost-effective training.

*Both officers and dispatchers benefit from ongoing training relating to querying and interpreting CDL driver histories.*

Federal agencies such as FMCSA also offer online training and CDL resources. Stakeholders can explore the federal website or contact state or regional [FMCSA representatives](#) for more information on relevant topics such as masking or the Drug and Alcohol Clearinghouse. By reaching out to nonprofit organizations and federal partners, SDLAs and other stakeholders can build important relationships; access subject matter experts; and find ways to establish regular, recurrent, and relevant trainings.

In some cases, it is helpful to look at historical events to learn ways to further improve performance. Occasionally, a high-profile vehicle crash or other event will generate an investigation by the [National Transportation Safety Board](#) or other investigative entity. In others, a jurisdiction may conduct an audit of various operational procedures to assess effectiveness. In these cases, stakeholders can turn to the investigative reports, hearings, or audit reports as learning opportunities or as the bases of additional trainings.

Stakeholders may consider working together with other like organizations or organizations in a different role. Joint trainings may defray costs and allow participants to see issues from different perspectives. Opportunities to serve on working groups or committees, such as AAMVA's many volunteer opportunities, can be explored as they bring learning and networking benefits. Joint trainings may also be opportunities for sharing grant priorities and working together to facilitate these needs, such as upgrades to the SDLA software, and at the same time upgrading and modifying the standardized traffic citation or improving data transfer to the courts and thus to the SDLA.

*Joint trainings may defray costs and allow participants to see issues from different perspectives.*

Stakeholders with specialized knowledge and experience can consider ways to build working relationships with other safety partners and to make themselves available as expert resources. SDLAs and other stakeholders can stand up internal trainings or invite others to their trainings. Trainings can take many forms, including

- Written and digital resources materials
- Roll-call or in-service trainings
- Online training modules
- Sessions included in annual trainings
- Cross-trainings with partner agencies

In addition to prioritizing their own trainings, it is important that stakeholders maintain awareness of the general functionality of the relevant licensing process. Stakeholders noting irregularities in any part of that chain can reach out to partner agencies to share information to improve results or offer training on relevant topics. For example, an SDLA could offer local courts information on the best ways to report convictions.

Although it can be challenging to develop joint trainings between organizations, interagency collaboration is essential to success. SDLAs can work together with other agencies to blend strengths and perspectives. Joint trainings allow idea and resource sharing as well as provide networking and relationship building opportunities. These trainings are also opportunities to build information conduits key to accomplishing the goals of consistently accurate and timely conviction recording. As questions arise during conviction processing, stakeholders will benefit from the ability to easily seek guidance from outside organizations because relationships have already been established. Regularly engaging with colleagues strengthens these professional relationships and will sow the seeds for reciprocal assistance. A commitment to regular interaction, training, and communication is the foundation for SDLAs' and other organizations' ultimate ability to achieve these goals.

## Section 6 FMCSA Oversight

Unlike the case with other modes of transportation, operators and vehicles on United States roadways are licensed and regulated by states. Each state has its own unique laws that control how vehicles may be operated on its roads. However, CMVs and CDL holder control are typically based on federally promulgated regulations. FMCSA conducts regular reviews of how well each state is following the intent of the regulation in licensing CDL holders and handling CDL violations. The FMCSA styles this as state CDL program compliance oversight. Findings of deviations from the minimum standards established by the FMCSRS can impact federal highway funding for the state or carry other effects. This section explains the overall importance of stakeholders adopting best practices for enforcing, adjudicating, reporting, and recording convictions and following all FMCSR mandates related to these processes.

This best practices document has emphasized the importance of the combined and individual efforts of law enforcement, prosecutors, judges, court staff, clerks, SDLA employees, and all those involved in identifying; sanctioning; and, when appropriate, removing unsafe CDL holders from the road. In fact, if any state stakeholder deviates from FMCSR minimum standards, the entire state might receive an FMCSA review finding. Whether issuing, adjudicating, reporting, or recording CDL violations, stakeholders should always consider the significance of their roles and the implications of breaks in the procedural chain. Each stakeholder depends on all safety partners to create a strong, unbroken procedural chain to protect the traveling public.

*Although CDL holders most often operate with high standards of safety, the potential for damage and loss of life when commercial vehicles are involved in crashes is tremendous.*

Frontline safety stakeholders face daily pressures and challenges. Even before a citation is issued, an officer roadside may face arguments for leniency based on sympathy or the proposition that sanctions for CDL holders can impact license status or employment eligibility. Officers and every stakeholder in the adjudication process should keep in mind that commercial drivers receive more training and education than non-commercial drivers. In addition, they are operating large vehicles that may be carrying passengers or students or hauling very heavy loads or hazardous materials. A driving violation or criminal offense involving a CDL holder, whether or not it involves a CMV, should be taken very seriously. CDL holders are aware that their driving behavior in any vehicle can impact their CDL.

Although CDL holders most often operate with high standards of safety, the potential for damage and loss of life when commercial vehicles are involved in crashes is tremendous. Each year, between 150,000 and 200,000 commercial motor vehicles are involved in crashes, resulting in the deaths of between 4,000 and 5,000 people and tens of thousands more being injured. Although CMVs are a relatively small part of all the vehicles on the road, their size and cargo make their potential to cause damage very large.<sup>8</sup>

<sup>8</sup> <https://ai.fmcsa.dot.gov/CrashStatistics> (Note that likely because of COVID-19—pandemic related variances, crash statistics for CMVs varied significantly between 2019 and 2021).

For this reason, commercial drivers are held to a higher professional standard. They must undergo significant training prior to testing for a CDL privilege. It is also important to realize that the vast majority of CMV operators do their jobs safely and with a high standard of professionalism. These drivers typically support the sanctioning of bad drivers who endanger other CMV operators and the traveling public.

Some drivers, however, do not operate CMVs safely or in compliance with prevailing regulations or rules of the road. This may happen for many reasons. These drivers may face pressure to drive in excess of allowable hours or posted speeds because they want to please employers or to increase their pay. In this case, it is important to counter-incentivize their tendency to break rules and increase their desire to comply with prevailing safety rules through rigorous and predictable enforcement actions.

**Federally mandated sanctions require stakeholders to hold these drivers accountable.** Maintaining awareness of these mandates and how their jurisdiction has adopted them, helps stakeholders apply the relevant sanctions as intended. The FMCSA has invested significant resources in raising awareness of masking convictions and awareness of the consequences for states that engage in masking. Avoiding masking is important for stakeholders, both as a matter of rule compliance and as a practice to improve road safety.

*FMCSA regulations in 49 CDF 383.51 identify which offenses must receive sanctions including loss of CDL privileges for specified periods of time.*

For any rule to be effective, it requires people willing to enforce it. Law enforcement, prosecutors, judges, and even SDLAs can expect to receive requests for leniency or rule bending by drivers who have been caught breaking a law or violating a regulation such as

hours of service or speeding. However, it is important that frontline workers resist the natural inclination to assist drivers facing sanctions. As professionals, commercial drivers know better than most drivers that breaking rules can lead to loss of driving privileges that can impact or end their ability to work as commercial drivers. Stakeholders working to enforce, adjudicate, record or sanction violations should focus on the need to build an accurate record of driving behavior so that unsafe drivers can be identified and managed before tragedy strikes.

FMCSA regulations in 49 CDF 383.51 identify which offenses must receive sanctions, including loss of CDL privileges for specified periods of time. They also require timeliness in reporting and transmission of convictions. FMCSA regularly reviews compliance with its mandates. If a state is found to have not substantially complied with a mandate, the state may lose highway funds, 4% for the first year of noncompliance and 8% for the second or subsequent year as set out in 49 CFR 384.401. Whether a lapse occurs at roadside, in the courts, or in the SDLA, FMCSA may notify a state of its failure to comply. Ultimately, a state could both lose state highway funding and become decertified as a CDL issuer if compliance issues are not corrected.

Overarching considerations of road safety are also key. Every person along the CDL violation process is critical. Historically, the nation has seen many times when a single break in the procedural chain resulted in a driver being on the road when she or he should not have been. These unsafe drivers can be—and have been—the cause of serious, even fatal, collisions. **Every stakeholder must work diligently to comply with regulations, to issue appropriate and accurate citations, to adjudicate these violations without masking and as required by law, to report these violations within mandatory timelines, and to record and sanction these violations correctly.** Doing these small things every day, every time can and will save lives.

# Terms: Acronyms, Abbreviations, and Glossary

<b>AAMVA</b>	American Association of Motor Vehicle Administrators
<b>CDL</b>	commercial driver's license
<b>CDLIS</b>	Commercial Driver's License Information System
<b>CLP</b>	commercial learner's permit
<b>CMV</b>	commercial motor vehicle
<b>credential</b>	A learner's permit, driver's license or identification card
<b>DOT</b>	United States Department of Transportation
<b>DHR</b>	Driver History Record
<b>driver's manual</b>	A publication that provides details on the process of obtaining a driving credential
<b>driving privileges</b>	Operational authority derived from a driving credential that authorizes motor vehicle operation with or without restriction
<b>EDL</b>	electronic driver's license
<b>FDR</b>	fraudulent document recognition or fraud detection and remediation
<b>FMCSA</b>	Federal Motor Carrier Safety Administration
<b>GVWR</b>	gross vehicle weight rating
<b>GCWR</b>	gross combination weight rating
<b>highway or road</b>	Any public way maintained for the operation of motor vehicles and open to the public use
<b>IDEC</b>	International Driver Examiner Certification
<b>IDL</b>	international driver's license; not used in North America as a valid form of licensing

<b>IDP</b>	international driving permit; not to be confused with an international driver's license (IDL), which has no jurisdictional authority in North America
<b>international traffic</b>	Any motor vehicle traffic that crosses at least one nation's boarder
<b>jurisdiction</b>	A particular geographic territory in which a governing body has the power, right, and authority to enter into and promulgate laws, rules, regulations, and agreements
<b>lane</b>	Any one of the parts into which the carriageway is divisible
<b>MOC</b>	memorandum of cooperation
<b>motor vehicle</b>	An operational medium that is self-propelled and capable of transporting person(s) or property or any material or any permanently or temporarily affixed apparatus (40 CFR 85.1703)
<b>MOU</b>	memorandum of understanding
<b>NDR</b>	National Driver Register
<b>NHTSA</b>	National Highway Traffic Safety Administration
<b>operator</b>	Any person or agent who directs or is physical control of a motor vehicle
<b>PDPS</b>	Problem Driver Pointer System
<b>pointer</b>	On CDLIS, a phrase meaning that the driver has a Master Pointer Record (MPR) on the CDLIS Central Site. The pointer record identifies the current SOR. To identify the driver, the pointer holds the driver's personal identification information and license information. The pointer also holds record maintenance information.
<b>SDLA</b>	state driver licensing agency
<b>SOR</b>	state of record
<b>valid</b>	At a relevant time when a driving credential is evaluated either physically or electronically, the authority of the driving credential is unexpired or otherwise unencumbered by a withdrawal, disqualification, cancellation, or restriction by the SOR in such a way that would result in less than full authority being assigned to an individual's driving credential
<b>withdrawal</b>	An action taken by an SOR that takes away operational authority of a driving credential

# CDL Driver History Working Group Roster

## CDL COORDINATOR – REGION 1 (2020)

### **Darlene LaBonte**

*Motor Vehicle Analyst, CDL PDPS Help Desk*  
Driver Services Division  
Connecticut Department of Motor Vehicles

## CDL COORDINATOR – REGION 2 (2020)

### **Brian K. Cox**

*CDL Program Manager*  
Georgia Department of Driver Services

## CDL COORDINATOR – REGION 3 (2020)

### **Tonya Schmitt**

*Licensing Specialist I*  
North Dakota Department of Transportation

## CDL COORDINATOR – REGION 4 (2020)

### **Tandy Alexander**

*Assistant Administrator, Licensing – Endorsements  
& Traffic Safety*  
Washington State Department of Licensing

## CVSA REPRESENTATIVE (2020)

### **Christopher J. Turner, Esq.**

*Driver, Crash and Data Programs*  
Commercial Vehicle Safety Alliance

## NATIONAL DISTRICT ATTORNEYS ASSOCIATION

### **Romana Lavalas**

*Senior Attorney, National Traffic Law Center*  
National District Attorneys Association

### **Joanne Thomka**

*Director, National Traffic Law Center*  
National District Attorneys Association

### **Jim Camp**

*Staff Attorney, National Traffic Law Center*  
National District Attorneys Association

## NJC REPRESENTATIVE (2020)

### **Bryan Walker**

*Judicial Education Manager*  
National Judicial College

## NATIONAL SHERRIFS' ASSOCIATION

### **Candace Hill**

*Project Manager*  
National Sheriffs' Association

### **Mike Sabol**

*Project Manager*  
National Sheriffs' Association

## INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

### **Mike Fergus**

*Program Manager, Programs*  
International Association of Chiefs of Police

## NATIONAL CENTER FOR STATE COURTS

### **Jannet A. Okazaki**

*Principal Court Management Consultant*  
National Center for State Courts

## AAMVA STAFF – PROJECT MANAGER

### **Kristen Shea**

*Senior Programs Analyst*

## AAMVA STAFF

### **Kevin Lewis**

*Director, Driver Programs*

### **Paul Steier**

*Law Enforcement Program Manager*

**OUR VISION**

*Safe drivers*

*Safe vehicles*

*Secure identities*

*Saving lives!*



**American Association of  
Motor Vehicle Administrators**

4401 Wilson Blvd, Suite 700  
Arlington, Virginia 22203  
703.522.4200 | [aamva.org](http://aamva.org)